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Attorneys for Plaintiff  
PRIME 3 GROUP, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

PRIME 3 GROUP, LLC

Plaintiff,

v.

SOLFOCUS, INC.

Defendant.

Case No.:3-11-03072 EMC

**STIPULATION OF DISMISSAL AND  
ORDER THEREON**

**IT IS HEREBY STIPULATED**, by and between the parties to this action, as follows:

1. The Second Claim for Relief alleging violation of the Virginia Uniform Trade Secrets Act is **DISMISSED WITHOUT PREJUDICE**.

2. The First Claim for Relief alleging fraud in the inducement, the Fourth Claim for Relief alleging conversion, and The Ninth Claim for Relief alleging unfair business practices in violation of Cal. Bus. & Prof. C. § 17200 *et seq.* are **DISMISSED WITHOUT PREJUDICE**, provided however that this dismissal is without prejudice as to plaintiff's ability to seek leave of Court to amend the Complaint to reintroduce any or all of these counts upon a sufficient showing that discovery in this action has established a nucleus of facts, separate and

1 distinct from those alleged in support of plaintiff's claim of misappropriation of trade secrets in  
2 violation of the California Uniform Trade Secrets Act, to support such previously-dismissed  
3 cause of action.

4 DATED: September 16, 2011

LECLAIRRYAN, LLP

6 BY:       /s/      

7 PETER M. HART  
8 Counsel for Plaintiff  
PRIME 3 GROUP, LLC

10 DATED: September 16, 2011

Heffernan Seubert & French LLP

12 BY:       /s/      

13 WILLIAM J. FRIMEL  
14 Counsel for Defendant  
SOLFOCUS, INC.

15 IT IS HEREBY ORDERED: Motion #14 set for 9/30/11 at 1:30 p.m. is hereby vacated.

16 DATED:     9/19    , 2011

